TWENTY YEARS IN THE SERVICE OF EUROPE

FROM

THE BRUSSELS TREATY ORGANISATION

TO

THE COUNCIL OF EUROPE

bу

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FOREWORD

At the prompting of a Congress held at The Hague in 1948, inspired by a great surge of opinion among the peoples of Europe, the five states which on 17 March of that year had signed the Brussels Treaty (Belgium, France, Luxembourg, the Netherlands and the United Kingdom), took the step of convening a diplomatic conference to which they invited the Governments of Denmark, Ireland, Italy, Norway and Sweden. The ten of them together set up the Council of Europe and the Council's Statute was signed in London on 5 May 1949.

Since that date the number of member states has grown considerably and now totals 18, namely: Austria, Belgium, Cyprus, Denmark, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Norway, the Netherlands, Sweden, Switzerland, Turkey and the United Kingdom.

The Council of Europe exists to bring about closer unity between states for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress. The pursuit of that objective is the responsibility of two bodies - the Committee of Ministers and the Consultative Assembly - assisted by a corps of technical and administrative services, viz. the Secretariat.

The scope of the Council of Europe's competence under its Statute is vast, since only defence questions are excluded. Its activities

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The achievements of the committees of the "Partial Agreement in the Social Field"

The member states of the Council of Europe have agreed that, with the consent of all, some of their number may, by virtue of a "partial agreement", undertake certain activities whose cost is borne solely by the states taking part.

The Partial Agreement of 16 November 1959, with which this booklet deals, concerns the labours of some ten committees in widely varying spheres of social co-operation, the chief of them being that of public health.

It was on this basis that the Partial Agreement in the Social Field was concluded in 1959 and its work is the subject of this booklet.

The achievements of the committees of the "Partial Agreement in the Social Field"

1. The early years

Men of goodwill and a multiplicity of organisations have for years been working to create a united Europe. Associations have come into being, consisting of two, three, six, seven, eighteen countries. Every one of these endeavours has contributed something useful, even if, after a time, they have given place to others. A complex entity like a united Europe can only be built up by successive approximations matching the political and economic circumstances of the day.

This booklet is not concerned with choosing between those endeavours but seeks to demonstrate the value, past and present, of one of the oldest of them, which, by way of a "series of approximations", has now become a well-defined Council of Europe institution.

The aim, in other words, is to guide the reader along the unbroken path from the Brussels Treaty of 1948 to the most recent achievements of the Council of Europe twenty years later, pointing out some of the ties forged by the Council of Europe along the way; like the cords the Lilliputians employed to bind Gulliver, they lack the strength, of course, individually, to achieve spectacular results but in their multiplicity, and added to the links wrought by other agencies, they will in the end make Europe a reality.

No doubt the reader will be surprised to see that the example chosen, in the arithmetic of Europe, lies between the Six of the Community and the Eighteen of the Council of Europe. The membership of the "Partial Agreement", in fact, consists of only seven of the Council of Europe's eighteen member states. That is due to an accident of history whose consequences are not without interest.

The Dawn of Europe The Treaty of Brussels was the first multilateral European treaty of the post-war period. Under it Belgium, France, Luxembourg, the Netherlands and the United Kingdom pledged themselves, among other things, to concert their efforts "... by direct consultation... to promote the attainment of a higher standard of living by their peoples and to develop on corresponding lines the social and other related services of their countries".

At that time there was no Council of Europe and no Community of Six. So before describing the various bodies set up to translate the aspiration expressed in the Brussels Treaty into concrete achievement, it may be helpful to describe the stages leading to their incorporation in the Council of Europe.

From EDC to WEU The failure of the European Defence Community will doubtless be remembered but the less spectacular fact of its replacement by the Western European Union, as the outcome of a revised and extended Brussels Treaty, has perhaps been forgotten.

The WEU joins the Federal Republic of Germany and Italy to the signatory countries of the Brussels Treaty. But looked at from another angle, the group also represents the six countries which subsequently formed the European Community, plus the United Kingdom - a point which could not but attract interest later on, after the United Kingdom had failed in the attempt to enter the Community.

From WEU to Council of Europe Thus in 1959 there existed, in order of numerical membership, the EEC with six member states; WEU with seven and the Council of Europe with fifteen at that date. Members of the European Community were bound by the Rome Treaty. Logic urged that WEU and the Council of Europe should seek to simplify things by pooling such of their activities as lent themselves to pooling. And so it came about that the Council of WEU and the Committee of Ministers of the Council of Europe decided to transfer to the Council of Europe the cultural and social activities pursued by WEU.

In this way some fifteen intergovernmental committees, together with their secretariat, came under the aegis of the Council of Europe in June 1960. Two years later, however, the establishment, likewise within the Council of Europe orbit, of the Council for Cultural

Co-operation, entailed the assimilation by the latter of all activities in the cultural field. The "social" committees alone retained their independence.

From Seven to Eighteen?

The transfer of activities had been decided on, partly because it was thought that many countries belonging to the Council of Europe but not to WEU would very soon want to join in the work of the committees that had been transferred. That in fact happened in the case of committees dealing with cultural questions, which are substantially the same in any European country: all of them became 18-member committees.

But "social" questions were another matter. WEU had handed on to the Council of Europe a number of highly specialised committees whose work covered many questions on which the seven member states had reached an exactly comparable degree of development. These committees had worked on continuously throughout the twelve years preceding the transfer. Hence they were currently handling problems which few other countries were yet in a position to approach, or - as in the case of the Scandinavian countries - on which other studies were proceeding at regional level.

New Members

That is why, eight years after the transfer, only very few countries have joined the initial seven. They are: Switzerland, for all questions of public health; Greece, for some of them; Austria, for social questions proper; and Denmark, for the specific problem of the use of poisonous substances in agriculture.

At the same time, related committees embracing the full membership of the Council of Europe are able to take over certain items of the seven member committees' studies or results, and extend them to several more countries as they were doing even before the transfer of powers. However, that is another story (see p. 13 for an example).

The "Partial Agreement in the Social Field" has therefore remained very much the same under the Council of Europe as it was in WEU days. But its unusual character does not end there.

Direct Consultation

When signing the Brussels Treaty, the High Contracting Parties undertook to promote progress in social matters "by direct consultation". That phrase - "by direct consultation" - was destined to give rise to

a procedure new in relations between governments. Traditionally those relations have been ordered through Foreign Ministry channels. But the Consultative Council of the Permanent Commission of the Brussels Treaty had given its newly appointed Social Committee a mandate to study the implications of international labour recommendations and conventions and seek methods for speeding up their implementation or ratification. That really called for direct consultations. A novel means was adopted to provide for them - "liaison sections" in each of the national ministries concerned would keep in constant touch with their opposite numbers in the other member countries.

Permanent liaison, moreover, was needed on other grounds. As regards the new Public Health Committee composed of "the Representatives of the Five Powers at the World Health Organisation", the Consultative Council referred to above had decreed that it was to "proceed with an exchange of views on the legislation on public health" and, in particular, to 'examine the best means of fighting epidemics and disease". For such purposes, swift and continuing contact was essential. Even now, that decision by the Permanent Commission of the Brussels Treaty Organisation to campaign jointly against disease and epidemics is strictly adhered to, for the simple reason that its practical value is still beyond question. With the growth of international travel, it is increasingly necessary for neighbouring territories like the Partial Agreement countries to apply the same health regulations and to be able to rely on each other's epidemiological services. We shall discuss a typical example later on when describing the "Administrative arrangements for the health control of sea, air and land traffic".

A Difference

The procedure adopted under the Brussels in Method . . . Treaty had one further consequence of cardinal importance for the efficacy of the attempt "to develop on corresponding lines the social and other related services' of the member countries. "Direct consultation" between national ministries had necessarily to range over all kinds of subjects and to be based on national documentation. That made it practically impossible to draw on a technical secretariat which would have needed to be expert in too many provinces. Hence the responsibility for initiating action and for prosecuting it, too, had to remain in the hands of the national government officials.

. . . and its advantages

The outstanding advantages of that kind of machinery are twofold. In the first place, any committee is going to pay more attention to observations or suggestions from one of its own members than from a technical secretariat. In the second place, any committee member carrying out a specific study on the committee's behalf will be in possession of the national documents communicated by his fellow members and will therefore be au fait with everything that is happening in the relevant government departments in other countries. Leaving aside any unanimous decisions which the committee may reach, such an official will naturally be inclined to adopt, in his own ministry, any procedures which recommend themselves as being better than its previous practice. Therein lies one of the most potent of co-ordinating factors. It is the main reason for the practical results so often achieved by the committees which subsequently became partial agreement committees within the Council of Europe.

But other factors have also contributed towards co-ordination, notably the fact that a substantial proportion of the meetings of partial agreement committees are held in each member state in turn. This procedure presents three advantages:

- In each instance the host country shows officials in charge of similar work in the other member countries its own achievements in the way of laboratories, hospitals, public works and so on.
- In each instance the host country enjoys, and freely exercises, the privilege of having as many of its own civil servants as it thinks fit attend the meeting which it organises. And these officials, who normally would not take part in an international gathering, thus have the chance of acquainting themselves with the views and activities of other countries and with European thought.
- When a committee invited by a state has subsidiary bodies, the host country's representatives on those sub-committees or working parties are required to attend the meeting to report on their work. In that way all members of committees and sub-committees working on related problems get to know each other, which fosters mutual understanding and agreement

"Administrative arrangements" The above brief account of the machinery gradually perfected, leading to the Partial Agreement within the Council of Europe, helps to make plain why the most important results in the realm of international harmonisation of regulations are often invisible to the outside eye because they have not been embodied in any formal international agreement. Time and again the heads of national departments meeting in one of the partial agreement committees have simply needed to concur as to the method of settling a given problem within their own province for them all to apply the same solution by means of "administrative arrangements" without needing to consult anyone else or to sign any international instrument.

That is precisely what occurred in 1950, under the Brussels Treaty Organisation, when the committee which is now the Public Health Committee of the Partial Agreement decided, in order to make travel easier, to establish between member states an "excepted area" within which no health control is carried out. (Only travellers entering the excepted area are subject to health formalities.) These "administrative arrangements for the health control of sea, air and land traffic", which do not require signature by the states adhering to them, continued in operation under WEU and since under the Council of Europe and have in fact been extended to other states not parties to the Partial Agreement.

But Conventions too

Nevertheless, traditional forms of intergovernmental co-operation and their normal outcome, in the shape of international conventions and agreements, have not been neglected.

Indeed, one of the very first of the Brussels Treaty Organisation's achievements was the signing in November 1949 of a Multilateral Convention on Social Security and a Social and Medical Assistance Convention. There followed two more conventions in 1950, one on exchanges of trainees and the other on frontier workers. These have since been ratified by many member states of the Council of Europe which are not parties to the Partial Agreement.

II. The next stage

However, our design here is not to list the achievements of a number of committees but rather to show how agencies set up in different circumstances have adjusted to new conditions and to demonstrate their practical value.

Perhaps this can best be done by looking in turn, at each of the major questions dealt with and explaining briefly why some of them have been taken over by other bodies as the organisation of European institutions progressed. Nor is it necessary to refer back in every instance to the Treaty of Brussels, if only because the transition from the Brussels Treaty Organisation to WEU involved too great a change.

The Work Expands

With one exception, the activities of WEU in the social field had gone on expanding up to the moment of this transfer to the Council of Europe. The exception was the work on health aspects of the peaceful uses of atomic energy. Neither the International Labour Organisation nor OEEC (Organisation for European Economic Co-operation) had begun to consider this problem when WEU first took it up. The International Atomic Energy Agency and Euratom did not yet exist.

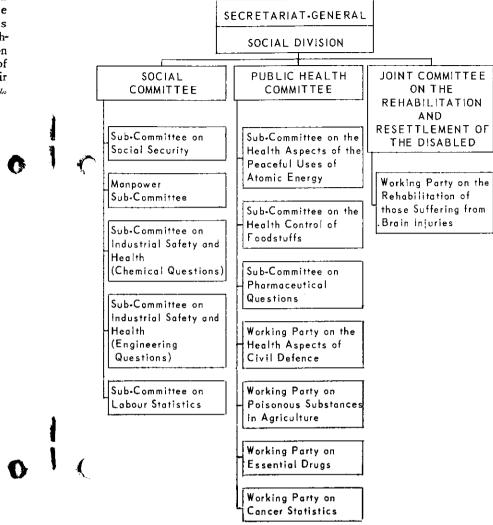
As interest grew among other international organisations in health problems connected with the peaceful uses of atomic energy, the Public Health Committee, in order to avoid overlapping, wound up the sub-committee dealing with the subject, retaining the matter on its agenda simply so as to keep abreast of what was happening internationally. But it transmitted the sub-committee's reports to the interested bodies.

Before and After That single exception apart, the chart, (p. 15), gives an idea of the range of studies in hand in the Social Section of WEU prior to the transfer. The conclusion of the labour of two working parties coincided with the transfer, however, and on that account the Working Party on the Health Aspects of Civil Defence was not transferred (see chart "after the transfer") (on p. 16). The series of recommendations proposed by it and adopted by the Public Health Committee were transmitted to NATO. Similarly, the Working Party on the Rehabilitation of Persons Suffering from Brain

Injuries was abolished after a recommendation on the subject had been forwarded to member governments.

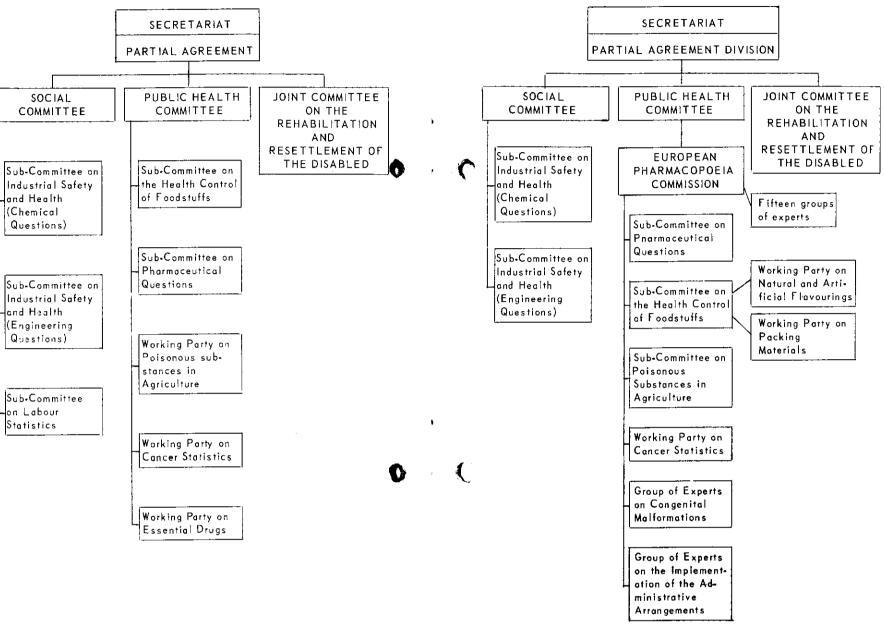
It was natural that advantage should be taken of the transfer to review the pattern of activities. The only ones affected by that review were the questions of social security and of manpower, which were "mothballed" - and have remained so - for the twofold reason that two eighteen-member committees of the Council of Europe and OECD respectively, were using their greater resources to study these problems more fully.

The Social Division of WEU before the transfer



COUNCIL OF EUROPE Partial Agreement Committees after the transfer

COUNCIL OF EUROPE Partial Agreement Committees January 1968



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III. Action in the social field

Minimum age of admission to dangerous employment

Under the Partial Agreement the Social Committee nevertheless continued to concern itself with some of the labour problems formerly studied by a special sub-committee of WEU. In particular it directed its attention to young workers, along the lines of its original mandate to study the implementation of international labour conventions. While still a WEU subcommittee it had begun an enquiry into the minimum age of admission to employment (ILO Conventions Nos. 5 and 59), which developed into a detailed survey of occupations involving hazards to the safety, health and morals of young people. This resulted in two recommendations. The first, on the minimum age for starting work in industry and agriculture considered, dangerous to young people, recommends a minimum age of 18 and in no case less than 16. Appended to it is a list of industrial and agricultural occupations considered dangerous to young people. Both in respect of the minimum age and the list of occupations proposed, the recommendation represented a great advance on existing conventions and opened the way to their improvement, first among the states parties to the Partial Agreement and subsequently among other member

The second recommendation, on the minimum age for starting work dangerous to the morals of young people, as is stated in the preamble, breaks new ground, dealing as it does at international level with activities "within a new social sphere". That recommendation likewise should lead to improvement in existing regulations.

It was, of course, in the Council of Europe that these two recommendations were finalised. Future accomplishments were all to stem from the same source.

Industrial Safety and Health Among them - still within the social field - the achievements of the two Sub-Committees on Industrial Safety and Health undoubtedly rank very high. As a first example, an original study which has become a standard work - a publication in five languages containing a list of some five hundred "Dangerous chemical substances and proposals concerning their labelling", better known as the "Yellow Book" - is in use

throughout western Europe, including the Common Market. A second, revised, edition is to be issued in 1968.

Several recommendations emanating from the same source include one regulating the use of that highly dangerous substance, benzene (in solvents, paints, adhesives etc.), and another on sand blasting with abrasives containing free silica.

There are numerous recommendations relating to industrial safety on the engineering side, prescribing rules for the use of various types of machinery (power presses, separators, explosive tools, scaffolding, tower cranes and so forth) or standards to be applied in dangerous occupations (in the building industry or public works). These recommendations, drawn up and accepted by the heads of ministerial departments in member countries, form the basis of national regulations and have made possible a large measure of standardisation.

Labour statistics One other activity in the social sphere deserving of posthumous mention, was that of the Sub-Committee on Labour Statistics, which was wound up in 1965 because OECD, with its far greater resources, had in the meantime undertaken similar work.

Value was attached to certain of these studies, notably a triennial evaluation of "Total wages and social costs", the latest issue of which covers the years 1949, 1952, 1955, 1958 and 1961.

IV. Action in the field of Public Health

Curopean harmacopoeia Honour where honour is due: by far the biggest milestone in public health achievements since the transfer of activities has been the formation of the European Pharmacopoeia Commission with instructions to draw up a European Pharmacopoeia, in other words, to prepare the means whereby, in due course, all member states will apply identical standards in the manufacture of basic pharmaceuticals.

The extent of this task can be judged by the fact that, to produce the thousand or so monographs which will comprise the European Pharmacopoeia and thereafter bring them up to date every five years, the Commission has had to set up fifteen groups of experts which together include more than a hundred of the leading specialists from each country and hold more than a hundred meetings a year.

The Convention establishing this new body was signed by the seven states parties to the Partial Agreement, together with Switzerland. Upon ratification of the Convention it will be open to accession on the part of all other member states of the Council of Europe, and six years thereafter, of non-members.

Given the vast compass of the Council of Europe's competence under the terms of its Statute which excludes only the military aspects of defence, it is the more amusing to note in passing that the European Pharmacopoeia had its origin in the military character of WEU. For that was the reason for the Brussels Treaty Organisation, and then WEU, wishing to compile a list of essential drugs for civil defence purposes. From 1952 onwards, a working party had been endeavouring to agree common specifications for a minimum list of such substances to apply to all member countries. With the completion of that task in 1962, under the Council of Europe, the Working Party realised that it now possessed the nucleus of a pharmacopoeia common to the member states. It suggested the compilation of a European pharmacopoeia. The idea was endorsed by the Working Party's parent body, the Sub-Committee on Pharmaceutical Questions, and bore fruit in the setting up of the European Pharmacopoeia Commission. That explains why the Working Party in question no longer appears on the chart showing the position in 1968: its place has been taken by the European Pharmacopoeia Commission, which likewise operates under the Public Health Committee

Control and information

The other public health activities are quite different in kind. They fall into two broad categories: those concentrating on information and control and those directed principally towards standardisation.

The health control of sea, air and land traffic referred to earlier falls into the first category. So do the studies on the relationship between the incidence

of cancer and such extraneous factors as nutrition, occupation, environment and so on; on legislation to control noise and air pollution; on epidemiological and population problems and immunisation programmes. On all these questions, the member states are constantly engaged in a mutual exchange of information forming the basis for joint conclusions.

Detailed consideration of these activities is not easy without entering into technicalities. Suffice it to say by way of example, and a very significant one it is, that the range of epidemiological and population studies and immunisation programmes embraces: a study of infant mortality and diseases of early infancy, the prevention of congenital malformations, poliomyelitis (vaccination programmes), rabies, salmonellosis, infective hepatitis, venereal disease and tuberculosis. The speedy exchange of information and the adoption of common measures in these matters, stemming from the needs of contemporary living, are in fact causing the Public Health Committee to function to some extent as an embryonic Ministry of Public Health for Europe.

As to work mainly directed towards standardisation, there are three special sub-committees dealing respectively with pharmaceuticals and two other highly topical questions, namely, food additives and toxic residues in foodstuffs.

Control of narcotics

The first of these initiated the annual publication, under Council of Europe auspices and with the collaboration of member states not parties to the Partial Agreement, of a list of proprietary and other pharmaceuticals recognised as addiction-producing and on sale in fifteen countries in Europe. The list is kept up to date and is a valuable aid to those whose work brings them into contact with the narcotics problem e.g. doctors, pharmacists, customs officers - since the eighty-odd known synthetic substances are marketed under hundreds of proprietary names (75 or more for pethidine alone).

Lexicum Pharmaceuticum Next, the Sub-Committee on Pharmaceutical Questions published a five-language glossary of pharmaceutical terms, a considerably enlarged second edition of which has just been issued under the title of "Lexicum pharmaceuticum".

Rounding off the Pharmacopoeia

As already mentioned, the same Sub-Committee drafted the Convention on the European Pharmacopoeia and worked out the many details involved in the operation of the European Pharmacopoeia Commission. But it felt itself bound to review the whole gamut of problems connected with the free circulation of pharmaceuticals in a united Europe. Accordingly it is working on two major agreements to round off the co-ordination of regulations on therapeutic substances begun by the Pharmacopoeia. Years of work have already gone into the first of them, but the principle is now agreed, viz. the harmonisation of legislation relating to medicines obtainable on prescription only. The second is designed to standardise tests for the purity of drugs.

Finally, the Sub-Committee is engaged on the vast problem of measures to combat the abuse of medicines, with ramifications extending from social securi ity systems to the control of advertising.

Food additives and

As regards measures to check the presence of additives and toxic residues in foodstuffs, here too toxic residues the problem from the public health angle is immense.

> Public opinion nowadays is very much alive to the question of colouring matters added for the sake of appearance, preservatives and chemicals used to keep foodstuffs fresh or improve their flavour and traces of pesticides employed during cultivation or storage.

> The Sub-Committee on the Health Control of Foodstuffs has for years pioneered this field, working to compile "positive" lists, that is to say, lists of additives which have been adjudged harmless and are now permitted, to the exclusion of all others, whereas formerly any substance was allowed which did not appear on a fairly short "negative" list of prohibited substances.

Moreover, the Sub-Committee does not confir itself to keeping the positive lists compiled over the last 15 years up to date. It keeps abreast of presentday toxicology and is continually enlarging its field of action. For instance it is engaged in drawing up a positive list of natural and artificial flavourings. Doubtless owing to the fact that such substances have been in use since time immemorial, tradition has hitherto been the guideline or, in the case of synthetic flavourings, imitation of the traditional natural substance. Now that the question of toxicological

classification arises, the dimensions of the task are considerable. There are countless substances involved. and the Sub-Committee has had to limit the basic list to be investigated to a couple of thousand natural or synthetic flavouring substances.

The use of plastics for foodstuff containers or wrappings is increasing at a terrific pace. But it is imperative that the chemicals contained in the plastic packing material should not be communicated to the food. Here again is a whole new area into which the Sub-Committee is endeavouring to introduce regulations as speedily as may be

Pesticides

In the matter of pesticides, too, a race against time is involved as the use of insecticides, fungicides and so on spreads and their number grows apace. Even when used to treat non-edible plants, such pesticides turn up sooner or later in the "food chain", and are absorbed by man, in the form of residues of greater or lesser consequence, persistence and toxicity.

The Sub-Committee on Poisonous Substances in Agriculture began by systematising the data which manufacturers have to supply when they wish to market a new pesticide. A booklet published in 1962 provided a basis for the greater part of regulations now in force and is at present undergoing revision.

Then the Sub-Committee was first to tackle the calculation of permissible daily doses of pesticide residues in human food. A joint committee of WHO and FAO, better equipped for the purpose, having assumed that task, the Sub-Committee handed on all the studies so far carried out in that domain and confined itself to another aspect of the problem. This was an enquiry into maximum permissible doses in terms of dietary habits and climatic conditions, which cannot be conducted on a world scale but calls for regional data.

Chemicals employed for the protection of certain commodities during storage in the raw state can also leave traces in the final product reaching the consumer. Hence the Sub-Committee is concerned to define acceptable methods of treating commodities which occupy a substantial place in international trade. Already it has drawn up two recommendations, which have been widely circulated, on the treatment of cereals and of edible nuts and oilseeds with insecticides.

One more activity of the Sub-Committee that deserves mention in passing is its work on the labelling of pesticides so as to protect persons handling or using them, as well as other persons, domestic animals and wildlife. This in turn entails classification of pesticides according to their toxic properties.

V. Combined social and health activities

When the Brussels Treaty was signed in 1948, in the aftermath of war, the need very soon became apparent for a Committee on the Rehabilitation and Resettlement of the Disabled which would deal with the question both from the social and the medical angle.

Operating under the Brussels Treaty Organisation and subsequently under WEU, this Committee drew up a score of recommendations to governments on numerous aspects of the rehabilitation problem.

Since the transfer to the Council of Europe, the Committee has turned its attention more to rehabilitation less directly necessitated by war, such as retraining for employment following an industrial accident, rehabilitation of the physically and mentally handicapped, of old people, and so on In addition, it is engaged in bringing its previous recommendations up to date.

VI. Conclusions

Twenty years have passed since the first of the committees was formed whose transformation, or rather whose continuous evolution, we have briefly traced within the orbit of three international organisations, ending with the Council of Europe.

This latter aspect is perhaps the one most deserving of attention - the fact that the "series of approximations" which placed them under the aegis of

first one and then the other in no way impaired their efficiency but at each step brought their benefits to more countries.

That this should have been so was, of course, due to one indispensable circumstance, namely, that the participating countries were from the outset at very much the same level of social progress and technical organisation. Otherwise close collaboration would not have been feasible. And it is precisely because their close collaboration was possible that positive results have been secured. Again, it is because that collaboration took place and still takes place between national officials running similar departments that it is always of a practical nature and has led to a remarkable degree of co-ordination.

In short, the Partial Agreement Committees, as they are called, in dedicating themselves to act as the spearhead of social progress within the Council of Europe, regardless of the number of countries having taken part in the past or likely to take part in the future, are indeed labouring "in the service of Europe".